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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/187,358 11/06/98 MAUER

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PM82/0912

EXAMINER

BRAHAN, T

ART UNIT

PAPER NUMBER

3652

DATE MAILED:

09/12/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/187,358

Applicant(s)

MAUER et al

Examiner

Thomas J. Brahan

Art Unit

3652



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 26, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 2, and 7-14 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, and 7-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

1. The following is a quotation of the second paragraph of 35 U.S.C. § 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.
2. Claim 2 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to how locking face (22) is considered as facing in a direction opposite to the feed path direction, as it faces in the same direction as the feed path.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:  
A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
4. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.  
  
Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.  
  
This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

5. Claims 1, 2, 7, and 8, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Blacket et al 5,813,114. Blacket et al '114 shows a conveyor for elongate components designed with a head and a shank, with a feed arrangement for feeding the components in a prescribed direction, comprising a transfer arrangement with a transfer region into which the elongate components are fed from a feed duct (920) having a feed path for the heads, and a shank guiding duct with the ducts being in communication with a conveying duct into which the components can be moved from the transfer region, characterized by the transfer arrangement with which comprises:

- at least one catch element (one of the two fingers/bars/pins/ rods/balls (260, 960, 1060, 1160 and those of other embodiments extending into the head feed duct) extending along and adjacent the head guiding duct generally in the prescribed direction of the feeding of the elongate components;

- at least one portion of the at least one catch element being movably extendable into and out of the feed path of the head guiding duct;

- a biasing element (961) positioned to normally urge the at least one portion of the catch element movably into the feed path of the head guiding duct for engagement with the elongate components being fed therethrough; and

- the at least one catch element and the at least one portion thereof being mounted for deflected movement out of the feed path of the head guiding duct against normal urging of the biasing element upon engagement with each of the elongate components being fed through the feed path of the head guiding duct to allow continued feeding of the elongate components through the feed duct.

The embodiment of figure 24 has the catch elements pivoting, as recited in claims 7 and 8.

6. Claims 1, 2, and 7, as best understood, are rejected under 35 U.S.C. § 102(b) as being anticipated by Moorman. Moorman shows a conveyor for elongate components designed with a head and a shank, with a feed arrangement for feeding the components in a prescribed direction, comprising a transfer arrangement with a transfer region into which the elongate components are fed from a feed duct having a feed path for the heads, and a shank guiding duct with the ducts being in communication with a conveying duct into which the components can be moved from the transfer region, characterized by the transfer arrangement with which comprises:

- at least one catch element (59) extending along and adjacent the head guiding duct generally in the prescribed direction of the feeding of the elongate components;


at least one portion of the at least one catch element being movably extendable into and out of the feed path of the head guiding duct;

a biasing element (61) positioned to normally urge the at least one portion of the catch element movably into the feed path of the head guiding duct for engagement with the elongate components being fed therethrough; and

the at least one catch element and the at least one portion thereof being mounted for deflected movement out of the feed path of the head guiding duct against normal urging of the biasing element upon engagement with each of the elongate components being fed through the feed path of the head guiding duct to allow continued feeding of the elongate components through the feed duct.

7. Claims 9-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Blacket et al '114. When considering the claims which include both the catch and the positioning elements, leaf spring (229) is considered as the catch element which extends into the head guiding duct. This catch varies from the claims by not having a second element to bias it in place. However a leaf spring and a lever pivoted by a compression spring are art recognized equivalents. Therefore it would have been obvious to one of ordinary skill in the art to modify the conveyor of Blacket et al '114 by substituting a pivoted biased lever for the leaf spring catch, as it is an art recognized equivalent which would work easily as well. The fingers/bars/pins/rods/balls (260, 960, 1060, 1160 and those of other embodiments) of Blacket et al '114 are displaceable positioning segments in a conveying duct, as recited in claims 9 and 10. The positioning segments (1460) of figure 24 have pivots axes, as recited in claim 11. They have a form functionally corresponding to the feed duct, and form a continuation thereof, as recited in claims 12 and 13. Figures 30-36 show split sleeves with a conical shape, as recited in claim 14.

8. Applicant's remarks in the amendment filed with the Request for a Continued Examination have been considered, but are deemed moot in view of the above new rejections. An inquiry concerning this action should be directed to Examiner Thomas J. Brahan at telephone number (703) 308-2568 on Mondays through Thursdays from 8:30-6:00 EST. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for Technology Center 3600 is (703) 305-7687.

  
**THOMAS J. BRAHAN**  
**PRIMARY EXAMINER**